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Attorney Docket No. 20363-011 CON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Silver et al.  
SERIAL NUMBER : 10/789,480  
FILING DATE : February 26, 2004  
EXAMINER : Daniel M. Sullivan  
ART UNIT : 1636  
FOR : SELF-EXTINGUISHING RECOMBINASES, NUCLEIC ACIDS ENCODING THEM AND METHODS OF USING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

The following papers are enclosed herewith for filing in the above-identified application:

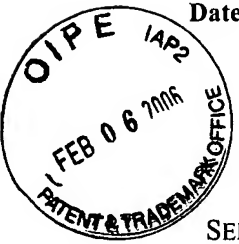
1. Response to Requirement for Restriction (1 page); and
2. Return Postcard.

Although the Applicants believe that no additional fees are due, the Commissioner is hereby authorized to charge any fees that may be due to Deposit Account No. 50-0311 (Ref. No. 20363-011 CON). If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529  
Matthew Pavao, Reg. No. 50,572  
Attorney/Agent for Applicant  
c/o MINTZ, LEVIN  
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Tel: (617) 542-6000  
Fax: (617) 542-2241

Dated: February 6, 2006



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**RESPONSE TO REQUIREMENT FOR RESTRICTION**

In response to the Requirement for Restriction mailed on January 9, 2006, Applicants elect the invention of Group IV, claims 6 and 12-25, drawn to a method of modulating a target gene in a cell comprising introducing a first nucleic acid molecule into a cell wherein said first and second nucleic acid molecule are configured such that a recombinase encoded by the first nucleic acid molecule excises a sequence in said second nucleic acid molecule to modulate expression of a target gene, wherein the cell is in a plant, classified in class 435, subclass 455.

A response is due on or before February 9, 2006. Applicants believe no fees are due. However, the Commissioner is authorized to charge any additional fees that may be due to Deposit Account No. 50-0311; Attorney Reference No. 20363-011 CON.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529  
Matthew Pavao, Reg. No. 50,572  
Attorney/Agent for Applicant  
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